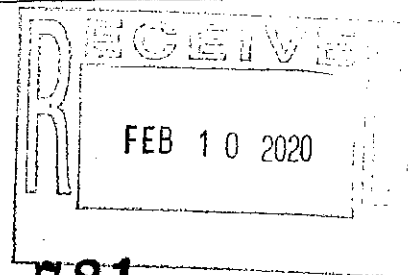


Pro Se 14 (Rev. 09/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the
Eastern District of Pennsylvania



Case No. **20 781**
(to be filled in by the Clerk's Office)

Robert Merritt

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Rimmer Et AL

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 14 (Rev. 09/16) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Robert Merritt

All other names by which
you have been known:

ID Number

24 12130

Current Institution

Northampton County Prison

Address

666 Wallnut Street

Easton

PA

18042

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Rimmer # 415

Job or Title (if known)

Officer

Shield Number

Employer

Bellevue Police

or City

Address

County of Bellevue

Bellevue

WA

Zip Code

City

State

☒ Individual capacity

☐ Official capacity

Defendant No. 2

Name

Coris # 418

Job or Title (if known)

Officer

Shield Number

Employer

Bellevue Police

County or City

Address

Bellevue

WA

Zip Code

City

State

☒ Individual capacity

☐ Official capacity

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Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

Schwartz # 386

Officer

County or City Belltown Police

Belltown

City

PA

State

19010

Zip Code

☒ Individual capacity☒ Official capacityDefendant
No. 3
The City

Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

County of Belltown

County

Belltown

City

PA

State

Zip Code

☒ Individual capacity☒ Official capacityDefendant
No. 4
The City
Supervisor

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

N/A

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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F. If you did not file a grievance;

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

Pro Se 14 (Rev. 09/16) Complaint for Violation of Civil Rights (Prisoner)

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Cent Member

Defendant(s)

2. Court (if federal court, name the district; if state court, name the county and State)

don't know

3. Docket or index number

don't know

4. Name of Judge assigned to your case

don't know

5. Approximate date of filing lawsuit

don't know

6. Is the case still pending?

☐ Yes

☐ No

Cent Member

If no, give the approximate date of disposition.

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

don't know

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Pro Se 14 (Rev. 09/16) Complaint for Violation of Civil Rights (Prisoner)

☐ Yes☐ No

dont know

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

dont know Plm IN Ind

2. Court (if federal court, name the district; if state court, name the county and State)

dont know

3. Docket or index number

dont kn

4. Name of Judge assigned to your case

The Same as before

5. Approximate date of filing lawsuit

I dont know

6. Is the case still pending?

☐ Yes☐ No

dont know

If no, give the approximate date of disposition

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Pro Se 14 (Rev. 09/16) Complaint for Violation of Civil Rights (Prisoner)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 2/5/2020

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Robert MerrillRobert Merrill12130666 Walnut StEaston

City

PA

State

18042

Zip Code

B. For Attorneys

Date of signing: _____

Does not have attorney

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

10 pages

of my previous work

To the Clerk of the
United States District Court
for the Eastern District of
Pennsylvania

Also
Please send
me one copy back
This Jail won't
make any copies for me
a certified copy please
Thank you

I Robert Merritt is homeless with a
mailing address IN Allentown PA 18101 it is
1101 Hamilton St Suite 125 it is just a mailing address
I am currently in Northampton County Prison now
My living conditions do not allow me to answer
to the Judges order on time or properly due
to living on the street having nowhere to go
This is a burden on me and a hard ship
and this is a lot on my mental it is difficult
to keep my court being unstable
So I ask this Court to Refill this
as a New Complaint and I had all ready
had a TFP for the old one and allow
me to use it for this one and I ask this
Court to grant me relief in my favor
The old docket no is 18-cv-2910 The Court are not suppose to
cause a Burden on the citizen

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JLS

IN The united STATES District Court
for the
Eastern District of Pennsylvania

Robert Merritt 12130
vs.

Docket no
20 781

- ① Rimmer # 415
- ② Coris # 419
- ③ schwalzer # 386.
- ④ County of Berks
- ⑤ City of Berks
- ⑥ and there supervisor

To The Honorable Judge
Reeson UN constitutional

I Resvot all rights
to present complaint
and Refile

Affidavit of Truth

(P1)

On or about May 20, 2018 The defendant's stop me without a warrant Knowingly willfully and Intentionally deprived me of my Constitutional Rights I was ~~Illegally~~ Illegally detain for over 30 min or more for this unwanted stop The defendant Rimmer claim He stop me for A driver side ~~view~~ ^{mirror} ~~there was a crack~~ ^{the two crack} The motor ~~vehicle~~ ^{mirror in place} Book of PA Codes of the crack says that you are allowed to have any two mirror ^{one} overlapping the crack ~~on your car~~ So this means that this does not cause any danger to the public or nor the Driver ~~this is not a traffic violation~~ This is ~~not a traffic violation~~ so giving my Constitutional Right to travel ~~freely~~ without infringement has been violated These ~~defendants~~ ^{defendant} have converted my Right into A crime and the state ~~can~~ can not convert A Right into A crime without a warrant This is Unconstitutional also the claim of the ~~excercise~~ ^{exercise} of a Constitutional Right ~~can not be converted~~ ^{can not be converted} into a crime in which this was done A wrong full doing and ~~was wrong full~~ ^{was wrong full} by these defendants,

Stop and subjected to a warrantless stop I was force into servitude once I was stop by the defendant
Unconstitutional

Also for a crime to ~~exist~~ Exist There must ~~be~~ F2
 be an ~~injured~~ Party if there is no Injured
 Party there is ~~not~~ NO crime the only Injured
 party was me from the ~~defendants~~ defendants violating
 my Constitutional rights and depriving me from traveling
 Infringement again the Stop was unwanted and UNREASONABLE
 stopping me from doing ~~business~~ ~~business~~ ~~business~~
 I was deprived of that ^{business} and taking care of my responsibility
 Also I was Sexually Assaulted ~~Sexually~~
 Sexually Harassed ~~I was put in fear of my life~~
 by the defendant ^{I was scared to death} Rimmer This Issue
 was never addressed by the Courts Also IN the LAW Dictionary
 It say the meaning of an Assault is a Touch ~~touch~~
 That is Assault I was Assaulted 3 ways by touch and
 Sexually all of the defendant were ~~wife~~ or of
 Coersion Race ^{this is} ~~this~~ prejudice and Ricide ~~discrimination~~
 Coersion I was Black to stop a Black man ^{discrimination}
 which is true this need to be investigated ^{and Bias}
 IN stead of serving me or protecting me where I am suppose to
~~to~~ ~~to~~ ~~to~~ Have Equal Protection of the LAW and this
 was Unconstitutional I was scared for my life I thought
 I would be ~~harmed~~ ~~harmed~~ for this illegal stop
 The minute I was illegally stop I had to before
 to submit to the Encouragement unwanted contact
~~this~~ This is INvoluntary served ~~to~~ I did not wanted
 to be bother This was all against
 my will

See *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 690, 98 S.Ct. 2018, 2035-36, 56 L.Ed.2d 611, 635 (1978) (holding that Municipalities and local governments are considered "person" under Section 1983)

See *Heller v. Melo*, 502 U.S. 21, 31, 112 S.Ct. 358, 365, 116 L.Ed.2d 301, 313 (1991) (finding state officials sued in their individual capacities to be "person" within the meaning of Section 1983, and not absolutely immune from personal liability or barred from being sued under the Eleventh Amendment)

See *Bd of the City Comm'rs v. Brown*, 520 U.S. 397, 411, 117 S.Ct. 1382, 1392, 137 L.Ed.2d 626, 644 (1997) holding that a municipality may be liable for hiring decisions under a deliberate indifference standard if a adequate screening of the employee alleged to have violated the plaintiff's rights would have made it clear to a reasonable policymaker that hiring the employee was highly likely to result in the particular type of constitutional violation alleged by the plaintiff

holding that a City could be liable under Section 1983 for failing to train employee if the failure amounted to deliberate

City of Canton v. Harris, 489 U.S. 378-89, 109 S.Ct. 1197, 1204-05 103 L.Ed.2d 412, 426-27 (1989)

Constitutional Rights are guaranteed by the U.S. ^①
 Constitution allow me to sue ~~who~~ Someone who
 Violates my rights if the person is acting
 Under Color of law meaning the defendant was
 acting under the state's authority

The Supreme Court has ruled that most of
 its guarantees also protect citizens against
 state governments.

See *Ingraham v. Wright*, 430 U.S. 651, 673 n.42, 97 S.
 Ct. 1414 n.42, 51 L. Ed. 2d 711, 731 n.42 (1977) (noting
 that the fourth Amendment was incorporated against
 the states by the fourteenth Amendment)

See ~~monroe~~ *Monroe v. Pape*, 365 U.S. 167, 174, 81 S. Ct. 473,
 477, 5 L. Ed. 2d 492, 498 1961

Monroe v. Pape, 365 U.S. 167, 173-74, 81 S. Ct. 473, 477,
 5 L. Ed. 2d 492, 498 (1961)

also I have a right to be free from assault from
 the defendant Rimmer

Burns v. Reed 500 U.S. 478, 495-96, 111 S. Ct. 1934, 1944-45,
 114 L. Ed. 2d 547, 564-65 (1991) See *Supreme Court v. Consumers*
Union of the U.S., 719, 736, 100 S. Ct. 1967, 1977, 64 L. Ed. 2d
 641, 656 (1980) (Injunctive relief)

Monell v. N.Y. City Dept. of Social Servs., 436 U.S. 658, 98 S. Ct.
 2018, 56 L. Ed. 2d 611 (1978)

(9) p

Suits for Injunctive relief against state officials
in their official capacities are said to fall within
the Ex parte Young doctrine. Ex parte Young the Supreme
Court said that state officials can be sued for an
Injunction in Federal Court even though the state
itself ~~itself~~ be sued. Ex parte Young, 209 U.S. 123, 155-56, 28 S.Ct.
441, 452, 52 L. Ed. 714 (1902)

Itself
Can Not

Paul Murphy

SLS

IN The United States District Court
Eastern District of Pennsylvania

⑦

Motion for Discovery
and the Body Cems of
The Incident or event

Robert Merrill
vs

Rimmer RAL

Doctlet Nov
20 781

On ~~the~~ or about May 20, 2018 I ask This Court
TO order the body Cems of the Incident or
the event ~~everything~~ that happen that day
TO be sent to the Judge for review and
TO the Plaintiff and any and all statements
made by ~~defendants~~ defendants all
materials ~~everything~~ I have access to
be sent to the Judge and me

Robert Merrill

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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781

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 666 Walnut Street, Easton, PA 18042

Address of Defendant: _____

Place of Accident, Incident or Transaction: Northampton

RELATED CASE, IF ANY:

Case Number: 20-739 Judge: Schmehl Date Terminated: _____Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|-----------------------------|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☐ is not related to any case now pending or within one year previously terminated action in this court except as noted above.DATE: 02/10/2020 Daniel McGinnis
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)CIVIL: (Place a ☒ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☒ 7. Civil Rights 550
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☐ Relief other than monetary damages is sought.

DATE: _____
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

JLS

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Merritt

CIVIL ACTION

v.

NO. **20** **781**

Rimmer, et. al.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ☐
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ☐
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ☐
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ☐
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases. ☐
- (f) Standard Management – Cases that do not fall into any one of the other tracks. **550** ☒

FEB 10 2020

Date

Daniel McGinnis

Deputy Clerk

Attorney for

Telephone

FAX Number

E-Mail Address

COUNTY OF NORTHAMPTON
Northampton County Jail
666 Walnut Street
Easton, Pennsylvania 18042

Robert Merritt 12130

neopost®

02/07/2020

US POSTAGE

\$001.40⁰⁰



ZIP 18042
0411112251064

United States DI
For the Eastern District of Pennsylvania
601 Market St
Philadelphia PA 19106

INMATE MAIL This correspondence is from
a County Jail and the sender is an inmate.
The contents have not been evaluated.
Northampton County Jail is not responsible
for the contents or debts incurred.

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